

FEB 16 2006

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: Choi *et al.* :  
: Art Unit 1615  
Serial No.: 10/634,689 :  
: Examiner: L. Channavajjala  
Filed: August 5, 2003 :  
: Title: TRANSNASAL ANTICONVULSIVE :  
: COMPOSITIONS AND :  
: MODULATED PROCESS :  
: Attorney Docket No. 098390-34217A :

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Substitute Terminal Disclaimer

Applicant, SK Corporation, is the owner of all right, title and interest in the above-identified patent application by virtue of an Assignment Document from the named inventors recorded March 24, 2004, Reel/Frame 014453/0790. Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior Patent No. 6,627,211, issued September 30, 2003. Said prior patent is assigned to Applicant by virtue of an assignment recorded July 11, 2003, Reel/Frame 014269/0959. Applicant hereby agrees that any patent so granted on the instant applicant application shall be enforceable only for and during such period that it and said prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above terminal disclaimer, Applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of said prior patent in the event that

#1045168 v1  
098390-34217

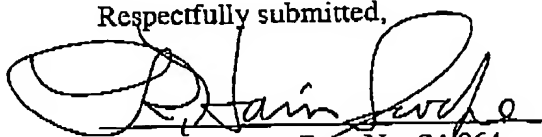
Serial No. 10/634,689  
Art Unit: 1615

such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed, in whole or in part terminally disclaimed under 37 CFR 1.321, have all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of the full statutory term thereof.

The instant Terminal Disclaimer is submitted in lieu of the Terminal Disclaimer dated September 2, 2005, which was not accepted due to an inadvertent omission. It is respectfully requested that the instant Terminal Disclaimer be substituted therefor. It is further requested that the Fee in the amount of \$110.00 under 37 CFR 1.20(d) for the submission of the Terminal Disclaimer date September 2, 2005, be applied to the acceptance of the instant Terminal Disclaimer. Should the Patent and Trademark Office determine that any additional fees are due in connection with the submission of this Terminal Disclaimer, authorization is hereby given to charge Deposit Account No. 03-3839 for such fees.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Respectfully submitted,



R. Hain Swope, Reg. No. 24,864  
Attorney for Applicant  
Phone (973) 596-4905

Date January 20, 2006

Please address all communications to:

Intellectual Property Docket Administrator  
Gibbons, Del Deo, Dolan, Griffinger & Vecchione  
One Riverfront Plaza  
Newark, New Jersey 07102-5496